d.   Remarks

Rejection under 35 USC 103

     Claims 1-26 stand rejected as obvious over Admitted Prior Art in view of Haddad. For the reasons set out below, Applicant respectfully traverses this rejection and begs for reconsideration.

     The present invention involves a scheme for achieving economic efficiencies in a particular market: the market for cache. According to conventional practices, an entity that wishes to use cache to enhance its ability to distribute "Web content" must rent or buy the cache it needs. What has been lacking until now is an open market, which would make it possible to obtain cache resources and pay for them on an "as needed" basis.

     There are various kinds of cache resources. Two kinds are: storage space and download bandwidth. Download bandwidth is a measure of the volume of data being downloaded from cache per unit time. Download bandwidth, in particular, can readily be allocated to different "buyers" in different blocks of time. Thus, download bandwidth is one example of a cache resource that readily lends itself to open trading as a commodity. (*See* Specification, page 4, lines 14-19.)

     In telecommunication systems, various other kinds of resources are also measured in terms of "bandwidth." For example, the maximum number of bits of information that can be transmitted over a distance from one point to another over a fiber, cable, or the like is also measured in "bandwidth." Transmission capacity of that kind will be referred to here as "transmission bandwidth."

     It is important to note that "download bandwidth" and "transmission bandwidth" are not analogous because they pertain to different kinds of operations. Whereas "transmission bandwidth" pertains to moving information over a distance from one point of a network to another, "download bandwidth" pertains to extracting information from a cache situated at some convenient point in the network, so that the extracted information can then be transmitted to a requester at some destination point. Briefly stated, download bandwidth measures the rate at which stored information can be accessed from a storage point; transmission bandwidth measures the rate at which information can be sent over a path in a communication network.

     The Examiner has cited Haddad as teaching the trading of "bandwidth" in an open exchange. The type of bandwidth to be traded is specifically transmission bandwidth. Haddad makes this clear, for example, at page 2, paragraph 0017, 8th to 11th lines of the paragraph: "The traded bandwidth is a real quantity of bandwidth that

may be utilized to communicate between two end points of a telecommunications system during a specific time period." *Id.*

Haddad does not teach the trading of any network resource other than transmission bandwidth. In particular, Haddad contains no mention of cache or of any type of resource specifically related to cache.

Haddad not only fails to teach the trading of cache resources, but also fails to suggest any such thing. Haddad's teachings concerning transmission bandwidth do not even implicitly suggest anything about download bandwidth because, as noted above, different operations are involved, serving different purposes. Much less, then, do Haddad's teachings suggest anything about any other type of cache resource.

The Examiner has suggested that the urge to achieve economic efficiency would by itself provide the motivation to combine Haddad with the conventional market treatment of cache, and so lead to the present invention.

Applicants respectfully disagree. The current market as Applicants have described it in the Specification at page 2, lines 25-30, allows for content providers or Internet service providers *to rent or buy cache. Id.* But without adding some specific teaching or suggestion that *cache resources* may be *traded,* the prior art fails to teach or suggest the present invention, and thus fails to render the invention obvious. For the reasons given above, Haddad does not even implicitly provide the missing element of tradeability of cache resources.

Therefore, it is respectfully submitted that all of the currently pending claims are patentable over the cited prior art under the standard of 35 USC 103.

Rejection under 35 USC 101

The Examiner has rejected claim 17 and its dependent claims 18-26 as failing to recite the technology needed to carry out the claimed process. The Examiner has kindly recommended adding to the body of claim 17 a limitation reciting technological means for carrying out the process.

In response, Applicant has amended claim 17 to recite that step (a), "purchasing at least one commodity contract . . .", is carried out via a terminal of a computer network. Support for this added limitation is found in Figure 2 of the present application together with the text at page 5, lines 7-26. There, market entity 95 is shown as tied into the network which also includes users, cache, content providers, and internet service providers. Thus, it is submitted that the present amendment introduces no new matter.

It is submitted that as amended, claim 17, together with its dependent claims, meets the standard of 35 USC 101.

Conclusion

Having responded to all points of rejection, Applicants submit that all claims are now in condition for allowance. Allowance of claims 1-26 is therefore respectfully solicited.

In the event of any non-payment or improper payment of a required fee, the Commissioner is authorized to charge or to credit **Lucent Technologies Deposit Account No. 12-2325** to correct the error.

Respectfully,

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